

MINUTES OF A COUNCIL MEETING

APRIL 20, 2004

The Hollywood Park City Council met in a regular session April 20, 2004 at 7:00 p.m. in Town Hall. Notice was posted in accordance with the Texas Open Meeting Laws.

Mayor Sean P. Martinez called the meeting to order with the following Council Members present: Richard McIlveen, Ellen Alkire, Wendy Taylor, Jerry Miller and W.D Scott. Also present: City Administrator, City Secretary, Assistant City Secretary/Finance, Police Chief, Assistant Fire Chief, City Attorney and City Engineer. Absent: Fire Chief.

INVOCATION: Councilman Jerry Miller gave the invocation.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESENTATION: 1. Mayor Martinez presented Justin Leonard, Firefighter Engineer with a 5-year service certificate.

2. David Givler, P.E., City Engineer, gave an update on the Fleetwood Drainage Project saying that we had received two bids on the project. The low bidder was Evans and Evans, Inc. in the amount of \$396,913.20 and it was higher than what they had figured. David suggested in order to meet this year's budget the project should be done in stages so we can get it underway. He further said that some of the items that could be delayed are: 1) the asphalt pavement, a temporary surface could be put on, 2) a chip seal temporarily for a few months, 3) hold off on the ribbon curb until the final asphalt would be placed, and 4) leave some of the areas in rock could be left unsotted, temporarily. David said that we could save approximately \$60,000 on the first phase of the work that would make it fit into this year's budget. He said that the problem is that when you phase work you add other costs in. If the contractor comes back later he is going to have to remobilize so that is another cost that would be involved also the temporary surface on the road would be another costs. The City Administrator said that we are still in discussion with the contractor on ways we can cut costs or delay expenses on this project. Mayor Martinez said that we are working to come under budget and we have a water line that Bexar Met has to move or Bexar Met has to accept our engineering the way it is so we have a dispute over that. He said that he has had a number of meetings with Bexar Met, City Attorney, City Engineer, City Administrator and a few other people involved. The Mayor said that he has a letter prepared for his signature telling Bexar Met to move their line in 30 days. He said that we would be able to start in a couple of months if we get the line moved quickly and after October 1st we will have the budget amount to complete the rest of the project. The City Administrator said that the City Engineer said that once started it would take 90 to 120 days to complete the project. The City Engineer said that we could start the project in June/July if Bexar Met moves their line.

CITIZEN PARTICIPATION:

1. Ralph Shriber, 325 Meadowbrook, thanked the Mayor and Council for their time and service to Hollywood Park. He is not in favor of the Fleetwood Project.
2. Fran Blackwell, 408 Park Oak, was troubled about the lack of dignity and the presence of controversy in Hollywood Park concerning the deer issue.
3. Beth Huddleston, 320 Fleetwood, thanked the Mayor and Council for working so hard to resolve the deer problem.
4. Gene Peterson, 227 Donella, thanked the Mayor, Council and City Administrator for taking part in reducing the deer population in spite of all the critics.
5. Patricia Daniel, 118 Donella, thanked the Mayor and Council for helping with the overcrowded deer problem.
6. Carla Mercado, 348 Fleetwood, thanked the Mayor and Council for controlling the deer and appreciates all they have done regarding the Fleetwood Project.
7. Carl Deneke, 116 Cool Way, said how wonderful the Council and City Staff are for making the community better.
8. Reggie Oliver, 211 Rua De Matta, expressed his appreciation on the letter mailed to the residents regarding the Deer Management Program. Requested a letter on the Fleetwood Project and the expenditure.
9. Carolyn Olivera, 500 Fleetwood, appreciates all the time, professionalism, abuse at some of the meetings and the hard decisions the Mayor & Council have had this year.
10. Frances Copeland, 118 Wm. Classen, thanked the Mayor and Council for the dedication, long hours and difficult decisions they have had to make on behalf of the citizens and their support of the Deer Control Committee. She thanked the Police Dept. and citizens who helped with the deer control.
11. Gary Miller, 612 El Portal, complimented the Police Dept. for Officer Cline going to his door informing him that he was in violation of the Political Sign for the Presidential Election, which he took down immediately.
12. Phillip Rodriguez, 210 Yosemite, said that he doesn't agreed with how the Mayor and Council has been doing. He said that it has taken too long on the Fleetwood Project, there isn't a deer management plan, and he doesn't agreed with the methods of thinning the deer population.
13. John Powell, 525 Fleetwood, said that he was here to speak about the dog variance. He said that he appreciated all that the Mayor and Council do.
14. Debbie Miller, 612 El Portal, asked questions concerning the Parks Master Plan.
15. David Huang, 352 Fleetwood, thanked the Mayor and Council for all the work they have done in the last year. He feels the deer plan worked and appreciates all the support of the Fleetwood Project.
16. Bob Moore, 205 Sunway, thanked the Mayor and Council for the excellent job they have done this year, for the difficulty decisions made and all the flax they have taken. He said that there are other things the Council has to deal with other then the deer.
17. Rina Faletti, 352 Fleetwood, thanked the Mayor, Council, City Administrator and former Mayor Burris, for their hard work, time and thoughtful consideration decision making that they have put into the approval of the Fleetwood Project. She said that it is this Council that finally took action and asked that they get Bexar Met moving.
18. Todd Kabes, 105 Fleetwood, spoke about 244 Mecca and the EDC's plan to turn that into a mini park. He thinks the mini parks are foolish and a waste of taxpayers dollars.

ANNOUNCEMENTS/DEPARTMENT REPORTS/CITY ADMINISTRATOR'S REPORTS.

The Police Chief and Assistant Fire Chief gave their monthly reports. The City Secretary gave the Municipal Court and Health Inspections monthly reports. The City Secretary announced that Early Voting starts next Wednesday and asked that residents bring their Voters Registration Card.

Drew Traeger, City Administrator, acknowledged former Mayor Harold Burris in the audience. He thanked Will Mangum, Chairman of the Deer Committee and Frances Copeland for assisting him during the deer trapping.

Will Mangum, Chairman of the Deer Committee presented the 2004 Hollywood Park Deer Population Reduction Program Initial Report. He reported that on March 10, 2004 we begin trapping and relocating deer to local ranches. From this date and until the end of the month (March 31, 2004) a total of 163 deer were moved to area ranches and Camp Bullis. That brings the overall total to 199 removed from the area. Councilman Miller asked what was the cost to the City. Mayor Martinez said that the preliminary cost was approximately \$4,820, which was a significant savings under budget but the actual expenditure will be in the final report. The City Administrator said that we had to buy the net and silent releases. Will said that he will have a final report that will be available to all of the citizens, not only on the web site but also in person. He said that amino contraception is not accepted, at this time, by the State of Texas and it is also extremely expensive.

The City Administrator said that the swimming pool is in the process of being refinished on the inside with tile, lanes for the Swim Team and the markings outside (depth signs and no diving signs). Drew said that this was a rush item because it needed to be done before the Swim Team starts their season.

Councilman Miller thanked Dennis Blake for the mid-year budget update. He said that we have an annual budget of \$2,500,000.00 and year to date we are at \$1,400,000 as revenue. Councilman Miller said that he would like to mention to the residents that in this budget it indicates that part of our \$2,500,000 revenue, just over a million is property taxes so this gives you some idea what a large percentage our property taxes pays as far as being about 40% of our revenue. Mayor Martinez said that \$1,000,000 is a lot of money, from Ad Valorem Taxes, so remember that if you hear any issues to any changes in Ad Valorem Taxes.

CLOSE THE REGULAR MEETING

Mayor Martinez closed the Regular Meeting.

OPEN PUBLIC HEARING

Mayor Martinez opened the Public Hearing saying the Kay Peck, 301 Havenhurst Drive, Applicant, has requested an animal variance to keep her four dogs.

Kay Peck said that they have been residents of Hollywood Park for 10 years. They are requesting a variance to keep two additional dogs on their six acres. She said that they are all vaccinated and they have placed wire fencing around their entire fence line.

Mayor Martinez asked the City Attorney what is the state of the law in reference to this variance. Gus Wilcox, City Attorney, said that the City Code tracks the State Health Code and the Council, over the years, has limited the number animals per household to two.

Proponents:

1. Debra Trueman, 228 Fleetwood, in favor of the variance.
2. John Powell, 525 Fleetwood, in favor of the variance.
3. Melissa Maddox, 513 Skyforest, in favor of the variance.
4. Brenda Counce, 512 Fleetwood, in favor of the variance.
5. Betty Counce, 345 Meadowood, in favor of the variance.

Opponents:

None present.

Kay Peck said that she met with every neighbor, walker, jogger within 200' of her property and everybody she talked to said they had not had a problem with her dogs.

The City Secretary gave her report saying that she sent 27 notices to residents within 200' of 301 Havenhurst Drive plus 3 residents interested in this request for a variance. She said that 11 letters were returned: 5 in favor of the variance and 6 opposed to the variance.

Mayor Martinez read the names aloud.

- Proponents:
1. Tim and Frankie McCallum, 537 Ventura
 2. Margaret Berchermann, 520 Skyforest
 3. Rex Martin, 605 Skyforest
 4. Jack Andersen, 609 Skyforest
 5. Maurine S. Porter, 524 Fleetwood

- Opponents:
1. Douglas Boom, 601 Skyforest
 2. Virginia Perkins, 608 Skyforest
 3. William H. and Nanette Davis, 517 Skyforest
 4. Robert and Gloria Costello, 521 Fleetwood Drive
 5. Bill Bauerkemper, 613 Skyforest
 6. Bruce and Sara Bealor, 409 Skyforest

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OPEN THE REGULAR MEETING

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CONSENT AGENDA:

Councilman McIlveen made a motion to approve the consent agenda in its entirety. Councilman Miller seconded the motion. The vote was: AYES: McIlveen, Alkire, Miller, Scott; ABSTAIN: Taylor. The motion passed 4-1 by the Council.

1. Minutes of a Regular Council Meeting 03/16/04.
2. Financial Statement as of 03/31/04.

Beginning Balance	\$2,168,948.69
Total Income	137,652.76
Disbursements	(193,497.78)
Ending Balance	\$2,113,103.67

OLD BUSINESS: None

NEW BUSINESS:

CONSIDER APPROVING/DISAPPROVING MS. KAY PECK, 301 HAVENHURST DRIVE, REQUEST OF AN ANIMAL VARIANCE.

Councilman McIlveen made a motion to grant the animal variance request from Ms. Kay Peck, 301 Havenhurst Drive. Councilwoman Taylor seconded the motion. Councilman Scott said that his concern is that we have one person alleging that the dogs attacked and knocked them down. We have another person saying that these dogs have attacked them on two separate occasions. Councilman Scott asked if these were the same dogs. We have one with an actual Police Report on it and another one from 613 Skyforest saying that these dogs had attacked him in the past. He further said that he is concerned about issuing a variance on this when we have residents who have been knocked down and injured. Councilwoman Alkire said that she is concerned with the dogs running loose and the gate not kept closed based on the information in Council packets.

Ms. Peck said that when alleged incident occurred we were out of town and we had historically left the gate open because the dogs have not gone out of the yard. She further said that they have closed the gate and put picket fencing in between to make sure the little dogs can't get out of the gate. She said that in the alleged reports there were no findings and that the dog described was a black/brown mixed breed dog that we do not own. This description was by the policeman and by the alleged victim and we do not own a black/brown mixed breed dog. The only mix breed dog at this location is a little black dachshund and the dachshund did get out and the people that were taking care of the dogs said that they could not catch the dachshunds. She further said that this alleged incident occurred while the dachshunds were out. Ms. Peck said that her large dog is a brown Labrador. She said that she had 17 letters from her neighbors that she personally went to, that she would like to submit to support it.

Mayor Martinez asked the Police Chief if there had been any citations issued to the animals at 301 Havenhurst. The Police Chief said yes and we have two reports on it and also, Lt. Kwiecien here handled this case from beginning to end.

Gus Wilcox, City Attorney, briefed the Council on what transpired with Ms. Peck and her citations at Municipal Court. The City Attorney said that at the last Municipal Court Ms. Peck appeared with her attorney Mr. Hugh Scott. He further said that one lady was knocked down and bitten. As a result of the cases, the State Law requires, on vicious dogs, very stringent procedures and we have adopted that through our ordinances. The City Attorney said that citations were issued to Ms. Peck and she is presently on a Deferred Adjudication for 180 days for having a vicious dog, dogs running at large 30 days deferred and keeping of the four dogs 30 days deferred. The City Attorney further said that the mandatory insurance is required when you're notified of a vicious dog. Ms. Peck said that there were no findings of vicious or dangerous dogs. The City Attorney said that there was a failure to appear because Ms. Peck didn't show up and he withdrew that. There were also additional charges against Ms. Peck involving another lady by the name of Cardenas and because Ms. Peck entered into the above pleas he dismissed those. He then asked Ms. Peck and her attorney to check out the insurance because on a vicious dog you have to come up with \$100,000 insurance in addition to muzzling and putting up fences. Lt. Kwiecien gave his report to the Council concerning Ms. Bealor's incident with Ms. Peck's dogs at 301 Havenhurst. He said that he interviewed other victims that stated over the course of a year that they have been attacked by dogs from this location and described the dogs. After discussion the Mayor called for vote on the motion:

AYES: McIlveen, Taylor; NAYS: Alkire, Miller, Scott. The motion to allow Ms. Peck a variance for four dogs failed 3-2.

CONSIDER APPROVING A PROCLAMATION DECLARING MAY 2-8, 2004 AS MUNICIPAL CLERKS WEEK.

Councilman McIlveen made a motion to approve a Proclamation declaring May 2-8, 2004 as Municipal Clerks Week. The motion was seconded by Councilwoman Alkire and passed unanimously by the Council.

CONSIDER APPROVING RESOLUTION #261 OPPOSING ANY SCHOOL FINANCE OR TAX SYSTEM REFORMS THAT WOULD NEGATIVELY AFFECT CITY REVENUES AND ECONOMIC DEVELOPMENT EFFORTS.

Councilman McIlveen made a motion to approve Resolution #261 opposing any School Finance or Tax System Reforms that would negatively affect City Revenues and Economic Development efforts. Councilwoman Alkire seconded the motion. After discussion, the motion passed unanimously by the Council.

MISCELLANEOUS:

Councilman Scott said that, at the last meeting, Nancy Swan stated that housing in Hollywood Park could not sell due to the dissention in the City. He said he received two calls from people upset by the statement and both people said that they had contacted seven real estate agencies and were told that there was no truth to that the statement and Hollywood Park is still prime property. Councilman Scott said that he made two calls and was informed that Hollywood Park is still prime real estate and homes will sell. He

further said that he wants everybody to know that Hollywood Park's property values are not going down.

Councilman McIlveen said that he talked to James Bonds, the deer trapper, and if we are going to have a Deer Management Program that may include the moving deer in the future he would recommend that we take care of this trapper in hopes that we can get him back. The trapper was upset because on the last day he was trapping he spent the time set the net at the site and when he was off at another side somebody released the net dropped it and there were deer there. He had put all the time and effort into setting the net and he should have been able to trap deer that he could have made money on and he would like to get paid for that. The Mayor said that we are going to have a hard time getting the trapper back due to the inference with the trapping mechanize and he was very unhappy about that. Mayor Martinez said that he had already approved the money to the trapper.

ADJOURNMENT:

There being no further business Mayor Sean P. Martinez adjourned the meeting at 9:30 p.m.

**MINUTES OF THIS MEETING APPROVED AS SUBMITTED ()
CORRECTED () THIS _____ DAY OF _____, 2004.**

Mayor Sean P. Martinez

ATTEST:

Barbara M. Haddock, City Secretary